

**REAL ESTATE BOARD
MINUTES
MADISON, WISCONSIN
SEPTEMBER 28, 2000**

PRESENT: Nancy Gerrard, James R. Imhoff, Richard Hinsman, Bettye Lawrence, Harold Lee, Jerome Nelson, Richard Kollmansberger,

STAFF PRESENT: Cletus Hansen, Bill Dusso, Jan Neitzel and Division of Enforcement staff were present for portions of the meeting.

GUESTS: Rick Staff, WRA

CALL TO ORDER

The meeting was called to order at 10:06 a.m. by Jim Imhoff, Chair, upon confirmation that the public notice was timely given. A quorum of 7 members was present.

AGENDA

Three Stipulations and an administrative warning were added to the agenda.

MOTION: Dick Hinsman moved, seconded by Hal Lee, to adopt the agenda as amended. Motion carried unanimously.

MINUTES (08/24/00)

MOTION: Bettye Lawrence moved, seconded by Jerry Nelson, to approve the minutes as written. Motion carried unanimously.

ADMINISTRATIVE REPORT

Secretary Cummings' Report

Secretary Cummings attended a portion of the meeting and did not give a report.

Clete Hansen

- **Board Roster**

The Board received a copy of the August 2000 roster. Noted.

- **Meeting Dates for 2001**

The Board received a copy of the meeting dates for 2001. Noted.

- **Screening Statistics**

The Board received a copy of the August 25, 2000, screening statistics. Noted.

- **To-Pass Folder**

Clete Hansen explained that there will be a To-Pass Folder at each meeting which will contain miscellaneous information pertaining to real estate.

ADMINISTRATIVE RULES UPDATE

Clete Hansen reported that the final draft of the Clearinghouse Rule 00-105 has been reviewed and sent to the two Legislative Committees.

REPORT OF THE CONTRACTUAL FORMS COUNCIL

Clete Hansen reported that the Real Estate Forms Council has completed the revision of the forms for the Business Offer to Purchase with and without real estate. The Council will be submitting these forms to the Real Estate Board at a later date.

Clete Hansen stated that he has contacted several timeshare sales agents in Wisconsin and requested their suggestions. He also contacted other states for information and samples of timeshare forms. When the information is received, the Council will review the information and prepare revised drafts.

Jim Imhoff explained that at the September 15, 2000, Council meeting, the Council recommended changing the form for leasing residential property to include commercial property.

REPORT OF THE COUNCIL ON REAL ESTATE CURRICULUM AND EXAMINATION

Nancy Gerrard reported that the Council will be meeting after the Board meeting. Ms. Gerrard stated that the Council expects to finalize the curriculum for the next 2 years and reach a decision on the test-out exams. A subcommittee will review the materials and submit their recommendations for exam questions to PSI.

PRACTICE ISSUES

Disclosure of Defects

The Board discussed a letter, submitted by Richard Hinsman, relating to the obligations of sellers and real estate agents to disclose defects to the buyer.

NEW BUSINESS

Practice Issues

Jim Imhoff and Rick Staff discussed the increase in lender fraud and the obligation of the broker to report fraud cases to the Department of Financial Institutions.

The Board requested that Clete Hansen send a letter to the Department of Financial Institutions (DFI) to express the Board's concerns regarding lender fraud and to ask for DFI's help to combat this problem.

The Board reaffirmed its desire to aggressively pursue lender fraud cases.

PUBLIC COMMENT

None.

MISCELLANEOUS CORRESPONDENCE

Complaint Statistics

Noted.

British Columbia Audit Chart

The Board requested that a copy of the Department's audit report be added to the next Regulatory Digest.

Apprentice Certificate

Clete Hansen explained that all of the licenses for apprentice real estate sales are now issued with "apprentice" printed in large letters across the top of the license.

RECESS TO CLOSED SESSION

MOTION: Dick Hinsman moved, seconded by Dick Kollmansberger, to convene the meeting in Closed Session pursuant to Sections 19.85(1)(a), (b), and (f), Wis. Stats., to consider the licensing or discipline of a person licensed by the Department or the investigation of charges against such a person. Specifically, to discuss the issue of case status reports, case closings, administrative warnings, reconsideration of a case closing, stipulations, assessment of costs, deliberations on stipulations that may be signed after printing of the agenda, and disciplinary proceedings. Motion carried unanimously by a roll call vote: Nancy Gerrard-yes; Richard Hinsman-yes; Richard Kollmansberger-yes; Bettye J. Lawrence-yes; Harold Lee-yes; Jerome M. Nelson-yes; James R. Imhoff-yes. Motion carried unanimously.

Open Session recessed at 10:55 a.m.

The Board received a copy of the Division of Enforcement Case Status Report.

The Board deliberated on case closings, stipulations, disciplinary actions, assessment of costs, reconsideration of a case closing, and administrative warnings.

Final voting on these issues was conducted in Open Session.

RECONVENE IN OPEN SESSION

MOTION: Nancy Gerrard moved, seconded by Bettye Lawrence, to adjourn the Closed Session and to reconvene in Open Session at 11:41 a.m. Motion carried unanimously.

VOTING ON ITEMS CONSIDERED OR DELIBERATED UPON IN CLOSED SESSION

CASE CLOSINGS

MOTION: Bettye Lawrence moved, seconded by Nancy Gerrard to close the following cases presented by the Division of Enforcement for closing. Motion carried unanimously.

99 REB 268	No violation
99 REB 342	No violation
00 REB 005	No violation
99 REB 239	P3

ADMINISTRATIVE WARNINGS

Brian F. Parsons

MOTION: Harold Lee moved, seconded by Dick Hinsman, to issue an administrative warning to Brian F. Parsons. Motion carried unanimously.

Betty Koller

MOTION: Harold Lee moved, seconded by Dick Hinsman, to issue an administrative warning to Betty Koller. Motion carried unanimously.

Renee L. Crothers d/b/a Affiliated Plus, Inc. (Sun Prairie, WI)

MOTION: Nancy Gerrard moved, seconded by Bettye Lawrence, to issue an administrative warning to Renee L. Crothers. Motion carried unanimously.

RECONSIDERATION OF A CASE CLOSING

99 REB 243

The Board denied the request for a personal appearance by the respondents named in case 99 REB 243. The Board stated that new information submitted by the respondents would be reviewed by the Board.

STIPULATIONS

Annette L. Reynolds (Milwaukee WI)

MOTION: Dick Kollmansberger moved, seconded by Bettye Lawrence, to **return to the prosecutor** the Stipulation in the disciplinary matter involving Annette L. Reynolds. Motion carried unanimously.

Raymond D. Van Kirk (Tomah WI)

MOTION: Dick Kollmansberger moved, seconded by Bettye Lawrence, to **return to the prosecutor** the Stipulation in the disciplinary matter involving Raymond D. Van Kirk. Motion carried unanimously.

Donald C. Mastaglio (Brookfield WI)

MOTION: Dick Kollmansberger moved, seconded by Bettye Lawrence, to **return to the prosecutor** the Stipulation in the disciplinary matter involving Donald C. Mastaglio. Motion carried unanimously.

Joseph C. Bunczak (Rosholt, WI)

MOTION: Dick Kollmansberger moved, seconded by Jerry Nelson, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Joseph C. Bunczak. Motion carried unanimously.

Audrey T. Brisette (Merrimac, WI)

MOTION: Hal Lee moved, seconded by Jerry Nelson, to accept the Stipulation, Findings of Fact, and Conclusions of Law and Order in the disciplinary matter involving Audrey T. Brisette. Motion carried unanimously.

DISCIPLINARY ACTION-ASSESSMENT OF COSTS

Dale W. Johnson (Hudson WI)

MOTION: Bettye Lawrence moved, seconded by Dick Hinsman, to approve the costs for Dale W. Johnson. Motion carried unanimously.

DISCIPLINARY ACTION

John P. Lappen (Mountain WI)

MOTION: Harold Lee moved, seconded by Bettye Lawrence, to revoke the real estate license of John P. Lappen. Motion carried unanimously.

By consensus the meeting adjourned at 12:45 a.m.